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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,847	10/18/2001	Edelbert Konig	A-2875	7052

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LERNER AND GREENBERG, PA  
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HOLLYWOOD, FL 33022-2480

EXAMINER

NASH, LASHANYA RENEE

ART UNIT PAPER NUMBER

2153

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/981,847

Applicant(s)

KONIG, EDELBERT

Examiner

LaShanya R. Nash

Art Unit

2153

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 21 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

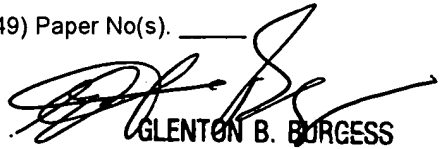
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-13.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
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Continuation of 11. does NOT place the application in condition for allowance because:

In considering the Applicant's arguments the following factual remarks are noted:

(I) Applicant contends that Collin does not teach or suggest displaying a specified number of diagnostic programs stored in a second computing unit after the data connection is established, and selecting and starting one of the diagnostic programs via the first computing unit.

(II) Applicant contends that Waite does not make up for the deficiencies of Sridhar and Collin.

In considering (I), Applicant contends that Collin does not teach or suggest displaying a specified number of diagnostic programs stored in a second computing unit after the data connection is established, and selecting and starting one of the diagnostic programs via the first computing unit. Examiner respectfully disagrees. Examiner asserts Collin explicitly discloses the computer system diagnostics method that involves displaying information in manner selected by the user (page 3, lines 11; page 4, lines 1-5), wherein the aforementioned manner comprises displaying (Figures 4 and 5) a specified number (i.e. one or two; run servers 208 and/or 210; page 9, lines 1-5) of diagnostic programs, (i.e. server modules that assist in the diagnostics of a computer system; pages 3-4; page 9). Collin further discloses that the aforementioned server programs are stored on the second computing unit (i.e. server; Figure 2-item 208 and 210; pages 8-9), as further evidenced by disclosure that "problems at the customer site (i.e. first computing unit/client; Figure 2-item 202) can be solved without installing debuggers and sending engineers to debug the problem on-site...user at the site to run servers 208 and/or 210 in the background..." (page 9, lines 1-11). Furthermore Collins explicitly discloses, "The client code is designed to interact with code from the server driver 102 and/or the server application 104. This interaction allows the server application 104 to compile an online database of messages, events, signals, or other information from the X-application 108 and/or the X-system 106. It should be noted that during operation the X-system 106 and the X-application 108 search for the appropriate sever and, if found, ceate a channel of communication with it...Advantageously, if the server is not found, the cleint does not consume resources from the computer system 100" (page 8). This disclosure futrther evidenced that client and server, as disclosed by Collin, are distinctly separate computing units in communication with each other, wherein the information server is disclosed to comprise the server driver and server application (page 4). Examiner additionally asserts that Collin explicitly discloses performing the aforementioned displaying steps after the data connection is established, (page 3, lines 11; pages 9-10). Examiner additionally asserts that Collin discloses selecting (i.e. selected by selecting [through a standard mouse operation or the like]) and starting (i.e. run servers) one of the diagnostic programs via the first computing unit (i.e. client; pages 10-11). Therefore, Examiner asserts that Sridhar in combination with Collin does teach all of the limitations recited in claims 1 and 12, as set forth below in the office action.

In considering (III), Applicant contends that Waite adds nothing to Sridhar and Collin with respect to the features of the invention. Examiner disagrees. Examiner maintains that Sridhar and Collin teach the claimed limitations, as addressed in regards to (I) above. Subsequently, Examiner maintains that dependent claims are unpatentable over Sridhar, Collin, and Waite as set forth below in the office action.